

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 510468 MDA/mjw	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/NZ2004/000331	International filing date (<i>day/month/year</i>) 23 December 2004	Priority date (<i>day/month/year</i>) 23 December 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ G06F 17/60		
Applicant REDMAYNE, John		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ (*sent to the applicant and to the International Bureau*) a total of 7 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 21 October 2005	Date of completion of the report 18 November 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer MATTHEW HOLLINGWORTH Telephone No. (02) 6283 2024

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NZ2004/000331

Box No. I **Basis of the report**

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3 and 23.1 (b))

☐ publication of the international application (under Rule 12.4)

☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-6, 8-39 as originally filed/furnished

pages* 7 received by this Authority on 21 October 2005 with the letter of the same date

pages* received by this Authority on with the letter of

☒ the claims:

pages 40-50, 53-65, 68-79, 82-83 as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 51-52, 66-67, 80-81 received by this Authority on 21 October 2005 with the letter of same

pages* received by this Authority on with the letter of

☒ the drawings:

pages 1-8 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- ☐ complied with.
- ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are two inventions:

1. Independent claims 1, 13, 52, 58, 60, 64, 95, 103, 109, 115 and 146. The correlating of two securities associated with an underlying asset is considered to be a first "special technical feature."
2. Independent claims 44, 95 and 146. The solution of an option-theoretic model for user-specified parameters is a second "special technical feature."

Since the abovementioned groups of claims do not share any technical features, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly, the international application does not relate to one invention or to a single inventive concept.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NZ2004/000331

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-164	YES
	Claims	NO
Inventive step (IS)	Claims 1-164	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-164	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

- D1: WO 2003/034297 A1 (SUPERDERIVATIVES, INC.), 24 April 2003
- D2: US 2003/0139993 A1 (FEUERVERGER), 24 July 2003
- D3: US 2001/0056392 A1 (DAUGHTERY, II), 27 December 2001
- D4: US 2002/0065755 A1 (SHLAFMNA et al), 30 May 2002
- D5: WO 2001/052121 A2 (CANADIAN IMPERIAL BANK OF COMMERCE), 19 July 2001
- D6: WO 2003/107137 A2 (KONGTCHEU), 24 December 2003
- D7: US 2004/0064393 A1 (LUENBERGER), 1 April 2004
- D8: US 2004/0039673 A1 (AMBERSON et al), 26 February 2004)

The features of the claims do not appear to be published in the above documents, which represent the closest available prior art.